

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No: 09/998,534
Applicants: Noriyoshi Nishiyama et al.
Filed: November 28, 2001
Title: COMPRESSOR USING A MOTOR
TC/A.U.: 2834
Examiner: Burton S. Mullins
Confirmation No.: 6235
Docket No.: MAT-7941US1

REQUEST FOR RECONSIDERATION OF DECISION ON PETITION

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

This Request For Reconsideration is being filed responsive to the Decision mailed on November 9, 2004. The Decision dismissed Applicants' Petition. The reason given in the Decision is because Applicants (in this case, the Petitioner) failed to respond to a requirement for corrected drawings.

Applicants' representative respectfully requests reconsideration of the Decision. As set forth in the Reasons For Allowance mailed on August 11, 2003, "The corrected or substitute drawings were received on 20 May 2003. These drawings are approved." Thus, the record was clear that corrected drawings were not required. Applicants' representative understood that the check mark which appeared on the first page of the Notice of Allowance was an Office error. The Reasons For Allowance (copy enclosed) makes clear that corrected drawings were not required. Similarly, the Examiner understood that corrected drawings were not required (see the enclosed Interview Summary).

Accordingly, it is respectfully requested that the abandonment of the above-identified application be withdrawn and that the application be passed on to issue.

Respectfully submitted,

RatnerPrestia

Lawrence E. Ashery, Reg. No. 34,515
Attorney for Applicants

LEA/ds

Enclosures: Copy of Reasons For Allowance dated July 31, 2003
Copy of Examiner Interview Summary

Dated: December 17, 2004

P.O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

December 17, 2004

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COPY

Application No.

09/998,534

Applicant(s)

NISHIYAMA ET AL.

Examiner

Burton S. Mullins

Art Unit

2834

All participants (applicant, applicant's representative, PTO personnel):

(1) Burton S. Mullins. (3) _____.

(2) Larry Ashery. (4) _____.

Date of Interview: 12 November 2004.

Type: a) Telephonic b) Video Conference
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.
If Yes, brief description: _____.

Claim(s) discussed: none.

Identification of prior art discussed: none.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The examiner notes that Box 8 on the Notice of Allowance mailed 11 August 2003 was incorrectly marked. No corrected drawings need to have been submitted in response to the Notice of Allowance, as evidenced by the fact that the examiner states on p.3 that "[t]he corrected or substitute drawings [to Fig.6] were received 20 May 2003. These drawings are approved."

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

COP

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

BURTON S. MULLINS
Examiner's signature *if required* PRIMARY EXAMINER

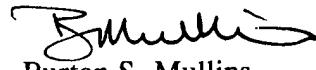
Drawings

2. The corrected or substitute drawings were received on 20 May 2003. These drawings are approved.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Burton S. Mullins whose telephone number is 305-7063. The examiner can normally be reached on Monday-Friday, 9 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are 305-1341 for regular communications and 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0956.


Burton S. Mullins
Primary Examiner
Art Unit 2834

bsm
July 31, 2003

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PTO/SB/21 (09-04) (AW 10/2004)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 3

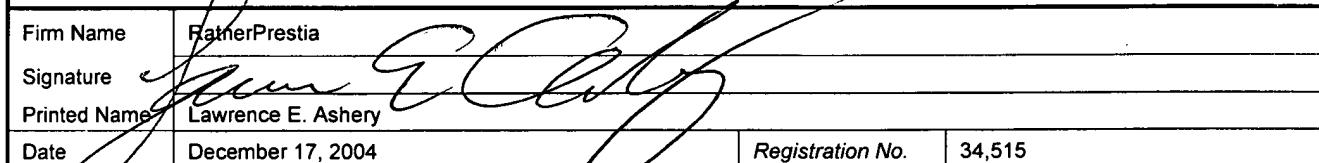
Application Number	09/998,534
Filing Date	November 28, 2001
First Named Inventor	Noriyoshi Nishiyama, et al.
Art Unit	2834
Examiner Name	Burton S. Mullins
Attorney Docket No.	MAT-7941US1

ENCLOSURES (Check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Request For Reconsideration
Return Postcard |
| <input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/Declaration(s) | <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Express Abandonment Request |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> Response to Missing Parts/ Incomplete Application
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |

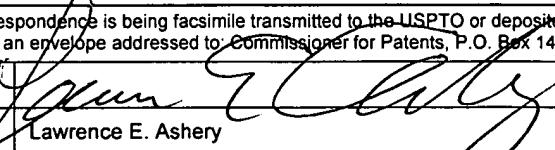
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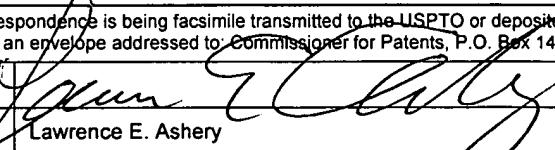
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm Name	RatherPrestia		
Signature			
Printed Name	Lawrence E. Ashery		
Date	December 17, 2004	Registration No.	34,515

CERTIFICATE OF TRANSMISSION / MAILING

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Typed or Printed Name 

Lawrence E. Ashery

Date

December 17, 2004

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